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C A S E

OF

THE ROYAL COLLEGE OF SURGEONS OF ENGLAND

IN RELATION TO THE

MEDICAL BILLS NOW BEFORE PARLIAMENT.

It will be admitted, that the object of medical legislation can be no other than that of securing a well-qualified medical profession, and of providing a registration, by which the qualifications of medical practitioners shall be certified and published; and it may be assumed that the Legislature will not be induced wantonly to subvert or injure those institutions to which the guardianship of the profession has been hitherto entrusted by Acts of Parliament and Royal Charters. It cannot, however, escape attention, that the Bill prepared and brought in by Lord Elcho is calculated to transfer the powers, hitherto exercised with acknowledged advantage to the profession and the public, to the Council established by the 3rd Clause of that Bill, and thereby virtually to extinguish the privileges and independent action of the medical corporations. And it will be recollected, that the governing bodies of these corporations consist of the most eminent practitioners of the respective divisions of the United Kingdom.

The case of each of these institutions, affected as they are by the measures now before Parliament, may well deserve a separate consideration; but that of the Royal College of Surgeons of England has features so peculiar and distinctive, and the mischief likely to be inflicted on its constitution and functions is of so grave a character, that the deliberate attention of the Legislature may be justly claimed to the following brief statement in connexion with the proposed legislative measures:—

The incorporation of Surgeons in England dates from the reign of Henry VIII., and both by Royal Charter and legislative enactment the important duties of examining the qualifications of surgical practitioners, and of promoting the art and science of Surgery, were confided to the Corporation.

In the year 1800, by a Charter granted by the Crown, the Corporation assumed the title of a Royal College, with the confirmation of its authority; and by the subsequent Charter of

1843, its present and reformed constitution was established, that is to say, its Council was made elective by the Fellows ; a class instituted for the purpose. It may be added, that such powers as the Council possesses for the regulation of the department of the profession over which it presides are embodied in Bye-laws, the validity of which depends, not only upon the sanction of the legal authorities of the realm, but upon the express approval of Her Majesty's Secretary of State for the Home Department.

Since the period of 1800, the College of Surgeons has been the only body practically recognized in England for granting diplomas, or authorized letters testimonial, in Surgery. It is true, that in the absence of any legal restriction on the practice of unqualified persons, the examination for the Diploma has been altogether *voluntary*. But the estimation of the Diploma of the College, in connexion doubtless with the high character of the Court of Examiners, has been such, that it has been voluntarily sought by the majority of the surgical practitioners of England, and by a large proportion of those practising in the colonies and dependencies of the Empire ; that by the influence of public opinion it has become a necessary qualification for the public services ; and that it has been recognized in Acts of Parliament, where a surgical qualification has been required and specified. And as proof and evidence of the high value attached to the Diploma of the College, in consequence of the celebrity of the names subscribed to the testimonial, it may be mentioned, that the average of the diplomas granted annually by the College on examination during the last few years has been little less than five hundred, a number exceeding that of all the other examining boards of the United Kingdom together, and independent of the rejection of about one-sixth of the whole number of applicants.

The revenue of the College is almost wholly derived from the fees accruing from the grant of surgical diplomas ; and it is expended, as may be seen by accounts published annually, on the various purposes which a College instituted for the advancement of Surgery and its collateral sciences implies and requires, such as the fees of the Examiners, and the disbursements for the Museum, Library, Lectures, Prizes, and the maintenance of the establishment.

In respect of the Court of Examiners, it has been already explained that the character of the College mainly depends upon the estimation of its Diploma, and consequently on the reputation of its Examiners ; and it may be said, that as the post of Examiner is one of the highest distinction, and therefore a prevailing object of ambition, so it is the only place of profit which the College has to bestow. The payment to the Examiners is by

a fee upon each examination, under the sanction and allowance of Her Majesty's Secretary of State for the Home Department, and the average receipt of each Examiner during the last ten years has been about £300 per annum. But the office is laborious, and requires his attendance annually at about fifty meetings of not less than five hours' duration. And it may be observed, that as the business of the College entails on all the Members of Council the necessity of attendance on numerous Committees, for which no payment is made, the remuneration of an Examiner is all that a Member of Council can receive or expect for his time and trouble. The inference from this statement may be drawn without difficulty. Destroy the conditions under which the most eminent, and therefore the most occupied, practitioners may be reasonably asked to sacrifice their private interests to public business, and the services of those who are best qualified to discharge the onerous duty of examination, and to fill the posts of honour and responsibility at the College, will be invoked in vain.

The Museum, now contained within the walls of the College, was originally that of John Hunter, and was saved from dispersion or deportation by the acceptance of the trust offered by Parliament to the Corporation of Surgeons. It was purchased by Government for £15,000, was confided to the care of the Corporation in 1799, and, together with very great additions, has been maintained entirely out of the funds of the College. It consisted, when entrusted to the care of the Corporation, of 10,563 specimens, and has been increased, according to the last catalogued total, to 39,519 specimens. It may be indeed safely said, that with the accruing additions to the Collection it has been quadrupled, and has become of national importance and world-wide celebrity. The erection of suitable buildings for its reception and display, and the contributions to its preservation and augmentation, exclusive of Parliamentary grants amounting in the aggregate to £42,500, have cost the College a sum not much less than £200,000. The liberal expenditure on the increase of the Collection, independently of the cost of buildings, may be rendered intelligible by the fact that the College paid for the bones of a *Proteosaurus* £100, for the single specimen of a *Glyptodon* £300, and for the Collection of Sir Astley Cooper the sum of £1500. And it remains to be stated, that the annual maintenance of this storehouse of anatomical and physiological knowledge, indispensable as it is to the cultivation of medical science, and requiring, as it does, the constant care of a scientific Curator and assistants, under the supervision of a Committee, specially appointed for the purpose, cannot be estimated at less than £5000 per annum. The total expenditure for the last ten years, as may be seen by reference

to the Return ordered by the House of Commons, amounts to £66,557 11s. 3d.

In connexion with the Museum, it may be stated that three Leetureships are maintained by the College for the purposes of scientific instruction, viz. a Professorship of Human Anatomy and Surgery; a Professorship of Comparative Anatomy and Physiology; and a Professorship of Histology, or Microscopic Anatomy; and that the admission to these lectures is gratuitous.

This brief sketch of the mode in which the College of Surgeons disposes of its revenue,—rendered necessary by the evidence of misapprehension on the subject,—may be terminated, without entering into further details, by the statement that upwards of £25,000 has been expended by the College in the formation and maintenance of a Library, comprising between 40,000 and 50,000 volumes, restricted to Medicine and its collateral sciences, but constituting the most complete body of reference on these subjects in the kingdom, if not in the world.

The object of the preceding statement is to show the national importance of the College of Surgeons as the only recognized Institution in England for the maintenance and promotion of scientific Surgery; and this College may safely appeal to the present state of the surgical profession, composed, as it is, of Members and Fellows of the College, as proof that it has contributed, and does contribute, largely to the acknowledged superiority of British Surgery. It has been shown that the College, as representative of the interests of Surgery, is governed by an elective Council, and, in legislating for the profession, directly under the control of Her Majesty's Government. It cannot be doubted, then, in the absence of all proof, and even of any allegation of mismanagement or inefficiency, that the College of Surgeons of England is adequately constituted, and competently performs its responsible duties of testing the qualifications of Surgical Practitioners, and of promoting the art and science of Surgery, in accordance with the design of its Royal Founder.

But if, as is here confidently asserted, the College be adequate to all the purposes for which such an institution is intended, it may be naturally asked, Why the Council of the College should be found to be promoters of Mr. Headlam's Bill, which proposes to establish a superior or general Medical Council, and opponents of a similar proposal, contained in the Bill of Lord Elcho, as framed by the Select Committee? The answer is easy. The Council proposed in Mr. Headlam's Bill is entrusted only with so much of the government of the profession as may be neces-

sary for procuring a practicable amount of uniformity of qualification, in order to reciprocity and unfettered liberty of practice in the three divisions of the United Kingdom, and for the registration of all duly qualified and licensed practitioners.

By the provisions of Mr. Headlam's Bill, the governing Council consists of representatives of all the bodies, Corporations and Universities, which have hitherto regulated and are best fitted to direct the education and qualifications of probationers for the medical profession. Mr. Headlam's Bill leaves the power of granting licenses upon proof of qualification to the corporate bodies, and this upon the valid ground, that from their metropolitan position and mode of constitution they have at their command the selection of the most competent Examiners in *practical* medicine and surgery, who are members of the corporations, and who are not likely, otherwise than as such, to interest themselves in public examinations. And Mr. Headlam's Bill, in assigning to the corporate bodies the fair share of self-government and independent action which they have hitherto enjoyed and rightly exercise as representatives of the needs and interests of the profession, provides also an adequate protection for the public interests if at any time they might conflict with those of the educational and licensing bodies, by the power given to the Crown of nominating a part of the Council.

On the other hand, the Bill of Lord Elcho aims at instituting a Council which is to consist wholly of nominees of the Crown, and of which the Chairman is to be a subordinate official of the existing Government. The Council will be appointed without any reference to the judgment of the profession, and without any guarantee of the members being entitled to the confidence of the professional public in the management of their affairs. The Bill of Lord Elcho, in truth, institutes a new corporation, unconnected with the profession over which it is to rule, without its promoters having assigned any grounds for its necessity or expediency, and without having even intimated a charge of mismanagement or inefficiency against the corporate bodies now in existence. It institutes a Corporation which would have all the faults that have been alleged against corporate government, aggravated by the almost absolute and irresponsible powers with which it would be invested.

The only explanation which suggests itself of this ill-considered attempt at legislative interference with the Medical Profession, is that Lord Elcho's Bill proceeds upon ignorance, or total misapprehension, of the objects and motives which have in the present day produced the desire for medical legislation. It revives and founds itself tacitly on the antiquated charge of abuses and corrupt practices which were supposed to prevail in the Medical Corporations. And though the want of correct

information may be accounted for by the closed doors of the Select Committee from which Lord Eleho's Bill emanated, it can neither be excused nor justified when it is recollected that Mr. Warburton's Committee, in the year 1834, finally disposed of these charges, and that, as far as the College of Surgeons of England is concerned, the Charter, advised by Sir James Graham when Secretary of State, reformed all the supposed defects in its constitution. It is true that somewhat later the General Practitioners of England agitated for the institution of a College of General Practitioners, but the desire originated in the wish for severance from the trading Company of Apothecaries, and for powers of self-government, and was not based on any charge of malversation in the existing Corporations. And the General Practitioners have expressed their concurrence in the arrangements of Mr. Headlam's Bill; whilst the Society of Apothecaries, after having discharged the functions assigned to them with the unqualified approbation of the whole profession, proposes to relinquish the powers conferred on them by the Act of 1815.

It has been, however, urged, that whilst Mr. Headlam's Bill is favourable to the interests of the Corporations, the Bill of Lord Eleho recommends itself by its prevailing regard to the benefit of the public, especially by securing an improved education, preliminary and professional, in the large body of practitioners who are therein named "Licentiates in Medicine and Surgery," as the designation equivalent to that of "General Practitioners." Nevertheless, Mr. Headlam's Bill makes a perfectly similar provision for the service of the public, both in respect of preliminary and professional education, in the class of practitioners therein styled "Members of the College of Surgeons and Practitioners in Medicine and Midwifery." But here the agreement between the two Bills ceases, and it will not be doubtful which of them is most conducive to the advantage of the public. Mr. Headlam's Bill introduces express provisions for higher grades of the profession, under the titles of Physicians, and of Fellows of Colleges of Surgeons, well known to the public as the referees and authorities in their respective walks of the profession, but who hereafter will only be entitled to registration as such by the evidence of prolonged study and profounder attainments. Mr. Headlam's Bill offers the requisite inducements for the largest scientific acquirements, as well as for those qualifications which cannot be pretermitted in any one who claims the character of a medical practitioner. Lord Eleho's Bill requires only a bare sufficiency of medical skill and knowledge. But its defect does not stop here: it permits and legalizes the registration of the justly-imposing title of Doctor of Medicine upon proof of the slenderest qualification required for the purpose. And it may be said that the Bill

tends to perpetuate almost the only grievance which the profession in England have to complain of, namely the importation into England of imperfectly educated practitioners.

Among the injurious results of Lord Elcho's Bill, not the least is the wholesale confiscation of the revenues of the Corporations; and this without any charge against them of want of honesty, discretion, or scientific zeal in the appropriation. It has been already explained in what manner the funds of the College of Surgeons of England are disposed of, and it may be supposed that the clause in Lord Elcho's Bill—which enacts that moneys received by the Treasurer shall be applied, amongst other purposes, "for payment in such proportion as the Council shall from time to time determine, in aid of the Museums or other scientific and professional objects," &c.—would be an adequate provision for the maintenance of their Museum, Library, and the other expenses of their establishment. But it must be borne in mind that the Hunterian Museum is the property of the nation, and that the grant which will be necessary for its preservation would depend merely upon the pleasure of the Council instituted by Lord Elcho's Bill. And surely the Legislature cannot be so unwise as to leave the due care of the national property at the mercy of such a contingency, or the College so improvident, as to retain the responsibility of its custody without being assured of their capability of fulfilling the trust which they formerly accepted. These are grave matters for the consideration of the House of Commons; and in the event of Lord Elcho's Bill becoming the law of the land, the Trustees of the Hunterian Museum may find it necessary to ask the Parliament for new powers and for such a pecuniary grant as may enable them to provide for its reception, future conservancy, and display.

It may be also noticed, that, by the wanton spoliation of the revenue of the English College of Surgeons, contemplated by Lord Elcho's Bill, the College would be deprived of the means of continuing the examinations for the higher grade of Fellows, since the expense incurred up to the present time has exceeded the receipt, and the deficit has been made good out of the general revenue of the College, derived from members' diplomas. The only alternative, at least, left for the adoption of the College, would be that of increasing materially the cost of the diploma for the Fellowship; but, although the College might be forced into this plan, in order to maintain the elective constituency prescribed by their Charter, it would be at all events a singular, not to say a self-defeating, mode of encouraging a higher education and qualification of Surgeons.

When we consider Lord Elcho's Bill in connexion with the

results here anticipated, it can scarcely be doubted that the object of its promoters is not to improve, but to abolish, the Medical Corporations. Yet these, comprising, as they necessarily do, the most eminent members of the profession, would seem to be the fit bodies to be entrusted with the regulation of the education, the examination and licensing, and especially with the supervision and discipline of the medical profession. The framers and supporters of Mr. Headlam's Bill have been, however, fully aware of the advantage of uniting with the Corporations the Universities of the United Kingdom, as possessing the means of contributing largely to the improvement of medical education, and they have therefore cordially concurred in placing representatives of the Universities on the General Council, and in accepting the *testamentum* of Universities, not only in respect of general and preliminary education, but in respect of proficiency in the sciences collateral to Medicine and Surgery. *And it is to be deplored that an arrangement, formerly contemplated, and calculated to be of mutual advantage, by which the Colleges of Physicians and Surgeons and the University of London might be associated as harmonious parts of one great Metropolitan University, has not been revived and carried into effect.*

It only remains to be observed, that the Bill, emanating from the Select Committee and brought in by Lord Esher, is a clumsy attempt to solve by cutting the Gordian knot of Medical Reform. Its despotic Council, confiscating on the one hand the revenues of the profession, and on the other carrying out its low standard of education, will leave the profession spiritless, degraded, and discontented.

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